

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: MS Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: May 1, 2007

Signature: 

(Andrew T. Ziden)

Docket No.: REGIM 3.3-038

(PATENT)

RECEIVED

15 JUN 2007

Legal Staff
International Division

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Vallee et al.

Application No.: 10/510,306

Confirmation No.: Unknown

Filed: October 5, 2004

Art Unit: N/A

PCT No.: PCT/FR03/01075

For: REAL-TIME NAVIGATIONAL AID
SYSTEM FOR RADIOGRAPHY

Examiner: Not Yet Assigned

RENEWED PETITION TO REVIVE APPLICATION UNINTENTIONALLY ABANDONED

MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

On March 7, 2007 applicants filed a petition to revive Application No. 10/510,306. The petition was filed pursuant to 37 C.F.R. § 1.137(b) for unintentional abandonment. A copy of the petition, the necessary reply and other accompanying documentation which were filed is attached as Appendix A.

A Decision on Petition was issued on April 2, 2007 dismissing the petition without prejudice. The Decision stated that the requirements for (2) the petition fee, (3) the statement of unintentional delay, and (4) no terminal disclaimer were satisfied. However, the Decision stated that requirement (1), namely the "required reply," was not satisfied.

According to the Decision, the reason why the required reply was not satisfied was because the copy of the Declaration

signed by Mr. Sabbah appears to have been assembled by attaching a faxed signature page to the remaining sheets of the document (it is noted that the signed sheet bears an "Allstate Perfect Image" watermark, and appears to have been printed from a scan, whereas the remaining sheets do not).

(Decision at pgs. 1-2)

Thus,

Since petitioner has not presented a complete copy of the declaration document as signed by Mr. Sabbah, it is not clear what facts he subscribed to when he executed the document. As it would not be appropriate to accept the declaration as filed on 12 March 2007, requirement (1) has not been satisfied.

(Decision at pg. 2)

Upon receipt of the Decision, the undersigned spoke with Examiner Dombroske. As explained by the undersigned, the inventor whose Declaration is at issue currently resides in Papeete, French Polynesia. Furthermore, the undersigned is based in New Jersey, and French counsel for the applicant is based in France. Because these different entities are spread across the globe, certain documents were sent via e-mail in order to expedite communication.

An executed copy of Mr. Sabbah's Declaration was sent to the undersigned by Applicants' French counsel via e-mail on March 7, 2007 as a PDF document. Mr. Sabbah's executed three page Declaration was printed out from the PDF document and the petition was filed the same day including a copy of said executed Declaration.

In response to the position that one page of the Declaration had an "Allstate Perfect Image" watermark, it is noted that different suppliers' paper is used in the undersigned's office, and that it is likely that two different brands were in the machine when the Declaration was printed out. It is noted that the copy of Mr. Sabbah's Declaration submitted herewith, attached as Appendix B, appears to include a watermark on each of the three pages submitted.

Thus, as explained to Examiner Dombroske, applicants respectfully submit that the petition to revive was complete and fully satisfied the requirements of 37 C.F.R. § 1.137(b) as originally filed. Therefore, applicants respectfully request reconsideration of the original petition in view of this renewed petition and the facts set forth herein.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone applicants' attorney at (908) 654-5000 in order to overcome any additional objections which he might have. If there are any additional charges in connection with this renewed petition, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: May 1, 2007

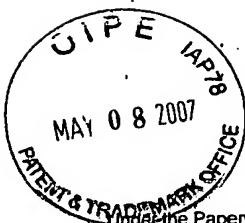
Respectfully submitted,

By 

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APPENDIX A



PTO/SB/64 (09-06)

Approved for use through 03/31/2007. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)
REGIM 3.3-038

First named inventor: Jean-Noël Vallee

Application No: 10/510,306

Art Unit: N/A

Filed: October 5, 2004

Examiner: Not Yet Assigned

Title: REAL-TIME NAVIGATIONAL AID SYSTEM FOR RADIOGRAPHY

MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (571) 272-3282.The above-identified application became abandoned for failure to file a timely and proper reply to a notice or
action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration
date of the period set for reply in the office notice or action plus any extensions of time actually obtained.**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee☒ Small entity – fee \$ 750.00 (37 CFR 1.17(m)). Applicant claims small entity status.
See 37 CFR 1.27.☐ Other than small entity – fee \$ _____ (37 CFR 1.17(m)) charge to deposit account #12-1095.**2. Reply and/or fee**A. The reply and/or fee to the above-noted Office action in
the form of Response to Notice to File Missing Parts (identify type of reply):☐ has been filed previously on _____☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____

☐ has been paid previously on 05/11/2007 GFREY1 00000026 121095 105.0306☐ is enclosed herewith. 01 FC:2453 750.00 DA

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.



Signature

March 7, 2007

Date

Andrew T. Zidel

Typed or printed name

45,256

Registration Number, if applicable

LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK,
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(908) 518-6385

Telephone Number

Enclosures: ☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unintentional delay☒ Other: Declaration; Supplemental ADS; Information Disclosure Statement

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